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9 Attorneys for WAYMO LLC

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;
16 OTTOMOTTO LLC; OTTO TRUCKING
17 LLC,

18 Defendants.

CASE NO. 3:17-cv-00939-WHA

**DECLARATION OF JEFF NARDINELLI
IN SUPPORT OF WAYMO'S
OPPOSITION TO OTTO TRUCKING'S
DISCOVERY LETTER BRIEF (Dkt. 1163)**

1 I, Jeffrey W. Nardinelli, hereby declare as follows.

2 1. I am a member of the bar of the State of California and an associate with Quinn
3 Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Waymo LLC ("Waymo"). I make this
4 declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and
5 would testify competently as follows.

6 2. Attached as Exhibit 1 is a true and correct copy of excerpts from the deposition
7 transcript of Gary Brown, dated March 24, 2017.

8 3. Attached hereto as Exhibit 2 is a true and correct copy of an excerpt from an email
9 chain between the parties' counsel where Waymo's counsel confirmed the date that Waymo began
10 investigating the possibility that Anthony Levandowski stole files from Waymo in relation to Otto
11 Trucking's Request for Production No. 53.

12 4. Attached hereto as Exhibit 3 is a true and correct copy of an excerpt from an email
13 chain between the parties' counsel, spanning from June 16, 2017 to July 18, 2017 and used as a
14 deposition Exhibit for the August 8, 2017 30(b)(6) deposition of Gary Brown.

15 5. On August 8, 2017, following the deposition of Mr. Brown, Waymo clawed back a
16 document bearing Bates number WAYMO-UBER-00029365. Waymo clawed back this document
17 for the limited purpose of redacting information regarding forensic investigations of present or
18 former Waymo employees *other than* Anthony Levandowski, Sameer Kshirsagar, and Radu
19 Raduta. Waymo subsequently re-produced this document in redacted form. A true and correct
20 copy of the re-produced, redacted version of this document is attached hereto as Exhibit 4.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 DATED: August 16, 2017

24 /s Jeff Nardinelli
Jeff Nardinelli

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SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Jeff Nardinelli.

/s/ Charles K. Verhoeven
Charles K. Verhoeven